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**Krajowe Biuro Wyborcze
National Electoral Office**

**Information
Electoral Law to Sejm and Senat
of the Republic of Poland
in force on 18 August, 1994**

The 1991 general election resulted in forming of multiparty Sejm. There were 28 political groups and organizations (including the Trade Union "Solidarity" deputies) with a varying number of deputies in the Sejm.

So there were efforts undertaken to revise the existing system of law to ensure the Sejm to become both representative and effective. The efforts resulted in the Sejm Elections Act of May 28, 1993.

The main aspects of the improved electoral law to the Sejm are:

- to maintain all the effective, institutional solutions, especially -
- the system of electoral bodies (headed by the permanent National Electoral Commission, and the National Electoral Office), and the system of control, by independent common courts, of the whole process of election.

The main alteration of the process of electoral control is the introduction of adjudication of the election validity and the validity of elected deputies by the Supreme Court, not by the Sejm itself.

- to implement the thresholds with a rather high barrier (5% of valid votes cast in the whole country) that qualify parties (groups) to be represented in the process of allocation of mandates; it forms a guaranty, that the Sejm deputies will represent groups having support of majority of voters;
- application, into the existing system of proportional representation, the d'Hondt method as a distribution formula;
- a new arrangement of the provisions on election campaign in TV and radio, according to the new law governing TV and radio activities,
- implementing to the electoral law some provisions about financing parties and other groups that take part in the election campaign, to neutralize some undesirable practice. A system to refund cost of the election campaign proportionally to the number of elected deputies is introduced.

As a result of intensive legislative process it is a merge of the two existing central electoral bodies (the parliamentary election administration headed by the National Electoral Commission and the local election administration) into one unit, responsible for all kinds of elections: the election of the President of the Republic, Parliamentary election and local election too. The National Electoral Commission and the National Electoral Office now in office will perform such duties.

On constituencies (voivodeship) level, electoral bodies are formed out of court judges and that guarantees their non-political nature; the administrative works are commissioned to Voivodeship Electoral Offices.

By implementing all those changes into existing electoral law, the process of building up of an independent (i.e. non-government and non-parliamental) electoral administration, with independent decisions in the field of administering and financing the electoral process is achieved.

The existing law

The Polish electoral law states that every Polish citizen aged 18 or more on the election day, has the right to vote (the active voting capacity) no matter his sex, national or racial origin, religion, education, time of residence, descent, profession and property.

Those principles of citizen's electoral rights are formulated in the Constitutional Act of the Republic of Poland.

A person is not entitled to vote if he/she is deprived of his/her rights by court order or is under care because of mental disability.

Those principles are of an universal character and apply to all sorts of general elections: election of the President of the republic of Poland, elections of the two Chambers of Parliament (i.e. the Sejm and the Senate) as well as the local government elections (in gminas), although administered on the base of separate Acts.

Every mentioned Act contains provisions guarantuing full implementation of the citizen's right to vote, and such essential regulation relates to the principles of compiling a permanent register of voters by every Gmina Office.

On the basis of this register the electoral rolls are prepared.

According to the Electoral Law in Poland, electoral register and electoral rolls are the only lawful document stating that a person entered in the electoral register is entitled to vote.

I. According to the Electoral Law passed in Parliament on May 28, 1993;

1. Members of Parliament are elected in universal, direct, equal and free elections, by a secret ballot on a four year term.
2. Every citizen aged 21, who is entitled to vote as an elector can be elected if he (she) resides in Poland from at least 5 years.
3. The Sejm consist of 460 members, 391 of them are elected in 52 electoral constituencies from the constituency lists of candidates, and 69 seats are allocated from nation wide lists of candidates.

The electoral system currently operated in the Sejm ballot is a list system of proportional representation with thresholds implemented - in the distribution of seats in the constituencies only such constituency lists of candidates take part which has polled cumulatively at least 5% valid votes in the whole country (8% in the case of lists presented by electoral coalition). In distribution of seats between nation - wide lists of candidates only such lists take part, whose constituency lists have polled cumulatively at least 7% valid votes in the whole country.

4. Every voter has one vote.

II. The act of voting requires the actual presence of the elector at the polling station. A person performs his rights to vote at the polling station by giving his name and address (showing his identity document), the electoral roll is checked and signed by the voter before the ballot papers are handed over to him (her). There are rather detailed rules of the National Electoral Commission concerning voter identification, the very act of casting vote, the installation of the voting booth, the ballot box, the duties and rights of the polling station commission etc. The rigidity of these rules is justified by the principle of equality of voters and secrecy of balloting.

A series of provisions have been envisaged to enable the voting for a person, who for different reasons cannot get to the polling station:

- voters in hospitals, nursing homes and the like are permitted to cast their votes at especially created polling stations in these establishments, so are voters in prisons, etc.,
- voters residing outside the country may vote at Polish diplomatic or consular missions,
- voters who reside in the country and for various reasons are not present in their own electoral constituency, may vote in another constituency, upon presentation of a certificate issued by his/her constituency, in which his/her name appears in the electoral register,
- servicemen may choose the polling station where they want to vote and are inscribed into the electoral rolls in a chosen district on their request, given at least 14 days before voting day.

III. The country is divided into 52 electoral constituencies, 47 equal to voivodeships, and 2 in Warsaw and 3 in Katowice voivodeship and the number of seats per constituency are settled by taking the equal number of deputies, according to the population.

The number of seats per constituency differs greatly - from 3 in Chelm Voivodeship to 17 in Warszawa City.

IV. According to the Law on Election to the Senate, dated May 10, 1991, the Senate consists of 100 members elected directly in the 49 constituencies by majority rule. The constituencies are equal to the voivodeships.

V. The voting (to the Sejm and to the Senate) is supervised by:

1. National Electoral Commission, as a permanent body,
2. The constituency electoral commissions,
3. Polling district electoral commissions (common for the Sejm and the Senate elections).

The National Electoral Commission is appointed by the President of Poland. Its members are the judges of the Supreme Court, the Constitutional Tribunal and the Chief Administrative Court.

The Commission consists of 9 members.

The constituency electoral commissions and the voivodeship electoral commissions are appointed by the National Electoral Commission from the judges of courts of appeal, voivodeship courts and district courts.

The constituency commission consists of 11 to 15 members.

The polling district electoral commissions are appointed by the gmina administration from among the electors.

The commissions consists of 5 to 9 members. (Every electoral constituency is divided into polling districts, each of them with a polling station. The district are created by the gmina councils on an area where there are 500 to 3.000 inhabitants, in the form of resolution. The resolution is presented to the constituency electoral commission).

The ballot to both the chambers of the Parliament is carried on in this same polling district.

The role of the National Electoral Commission is:

- 1) to supervise the implementation of electoral law,
- 2) to appoint constituency electoral commissions and to dissolve constituency and district electoral commissions after implementing their official duties,
- 3) to investigate complaints against constituency electoral commissions,
- 4) to register nation-wide lists of candidates,
- 5) to determine aggregate voting results obtained by constituency lists of candidates and to establish those lists, that take part in division of mandates in electoral constituencies,
- 6) to determine election of deputies from nation-wide lists of candidates,
- 7) to state the patterns of official forms and election documents, and seals for constituency and district electoral commissions,
- 8) to supervise the establishment and actualisation of voters' register and compiling electoral rolls,
- 9) to publish results of the election to the Sejm,
- 10) to give certificates of election to deputies,
- 11) to return the details of election to the Sejm,

The National Electoral Office's aim is to implement the work of National Electoral Commission. The Head of the National Electoral Office takes part in the work of the Commission as a secretary.

As it has been stated above, after the election being announced, the National Electoral Commission, is carrying out the election, issuing nomination papers to the members of constituency electoral commissions, prepares forms of ballot papers, directions as to printing ballot papers, guidelines for commissions and voters - up to the declaration of results.

The National Electoral Commission appoints electoral inspection to visit the constituencies in order to assure full implementation of the Electoral Law and the regulations of the National Electoral Commission.

Such an inspection is also created by the constituency electoral commission, to supervise the work of the polling district electoral commissions.

The inspectors of both commissions have no right to give orders, they are only giving signals about the progress of work in preparing elections.

The constituency electoral commissions are helped by the voivodeship electoral offices in their work.

The members of electoral commissions take part in seminary where they are instructed in the Electoral Law. The National Electoral Commission prepares all the instructions for the constituency commissions and those commissions organize seminary in which the members of polling district commissions take part.

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VI. The candidates may be nominated by a group of electors, political parties and political or social organizations, which form electoral committees for those purposes.

A list of candidates presented by an electoral committee is valid if it is supported by 3,000 signatures of the voters in the given constituency. Electoral committee which gets such support in 26 constituencies has the right to present their lists of candidates in all constituencies of the country.

VII. In the polling station every elector receives two ballot papers, one to the Sejm the other to the Senate. The Sejm papers contain the lists of candidates presented by electoral committees in the constituency of the elector.

The lists of the candidates to the Sejm; are headed by a number and inserted in numeral order, chosen by lot.

The list of candidates to the Sejm consists at least of three names and no more than twice the number of seats in that constituency.

The lists registered in more than one electoral constituency are headed by the number, chosen by lot, by the National Electoral Commission.

The electoral committee, that has registered the list of candidates to the Sejm in at least half (i.e. 26) electoral constituencies, has the right to present to the National Electoral Commission a nation - wide list of candidates. By the nation - wide list of candidates may be proposed only such candidates, that have been registered on the constituency list of an electoral committee.

The National Electoral Commission publishes the nation - wide lists giving the information about candidates inserted in.

Sejm ballot paper contains, in order of increasing numbers, names of lists registered in a given constituency. The lists of electoral committees registered in more than one constituency, bear this same number, drawn by lot by the National Electoral Commission.

The order of the candidates names on the list is determined by the electoral committee (representing political parties or groups of citizens). A valid vote is cast by putting "x" into the box on the left to the name of only one of the candidates.

There is a common (one) list of candidates to the Senate, candidates are placed in alphabetic order, their names are given together with the name of the electoral committee. Every candidate must be supported by 3,000 voters from a given constituency.

In ballot papers for the Senate two names are marked - i.e. two candidates are elected in every constituency, except two biggest provinces - Voivodeship of Warszawa and Katowice, where there are three names marked for three senators elected.

A candidate's name shall not appear on more than one list in one constituency and shall not be presented in more than one constituency.

A candidate may not be nominated simultaneously to the Sejm and to the Senate.

VIII. Immediately after the ballot is finished, the polling station is closed and counting of votes begins. The counting is done in the presence of men of confidence (candidate's agents), appointed by plenipotentiaries of the electoral committees.

As soon as the counting of votes is finished, the polling district electoral commission makes declaration of results in two copies, of which one is presented to the constituency electoral commission, and gives public notice of the results, with names of candidates, total number given for each candidate, together with the number of invalid ballot papers. Men of confidence have the right to insert their notices into the declaration of results.

Having got the results from all the polling districts, the constituency electoral commission draws voting returns stating votes validly cast for each list of candidates and votes validly cast for individual candidates running on each constituency list.

Chairman of the constituency electoral commission furnishes forthwith to the National Electoral Commission the dates of the constituency voting returns.

The National Electoral Commission, on the basis of those dates establishes number of valid votes cast on individual constituency list in the whole country and which lists have the right to participate in the distribution of mandates in the electoral constituencies (i.e. have fulfilled conditions of thresholds), and notifies this fact to the constituency commissions. This information is published.

Having got such an information, the constituency electoral commission allocates the seats to the candidates from the qualified constituency lists of candidates according to d'Hondt method.

The commission makes declaration of results in two copies, of which one is presented to the National Electoral Commission.

Plenipotentiaries of the lists are present when counting is done and have the right to insert notices into the declaration.

IX. The National Electoral Commission collects the results forwarded by the constituency commissions to control the validity of the results. The Commission makes necessary calculations for the distribution of the seats to the nation - wide lists of candidates that got 7% support using d'Hondt method. The commission takes consideration of every objections to the election that are submitted to the commission.

On completion of all calculations, the National Electoral Commission publicly announces the final election results.

Any complaints against the decisions of the National Electoral Commissions may be submitted, in writing, to the Supreme Court.

The Supreme Court considers the protests and pronounces its opinion in a form of a resolution.

On the basis of this report and of the resolutions pronounced in result of hearing election protests, the Supreme Court decides the validity of election and election of deputies.

To carry out the election of September 19, 1993:

- there were created 22.190 polling districts of which
937 in hospital and nursing homes,
169 in prisons and custodies.
Besides, there were 117 polling districts in foreign countries, and
221 on the boards of Polish sea-ships

185.970 electors were appointed to take part in the work of the polling district electoral commissions.

In the 1993 general election about 8.800 candidates proposed by 35 parties, organisations and committees of electors ran for the Sejm mandates and about 860 candidates proposed by 166 electoral committees run for the Senate mandates.

From the Parliamentary elections of 1991 on the computerized registration of electoral data and establishing results by electronic means and their transmission between electoral bodies is formally approved.

Election Results

Type of election : Parliamentary

Date: September 19, 1993

Voting population: 27.655.495

Voting Turnout: 14.415.586

Party	Deputies	Senators
1. Democratic Left Alliance	171	37
2. Polish Peasant Party	132	36
3. Democratic Union	74	4
4. Labour Union	41	2
5. Confederation for Independent Poland	22	
6. Non-party Bloc of Cooperation with Government	16	2
7. German Minority	4	1
8. Solidarity Trade Unions		9
9. Liberal Democratic Congress		1
10. Others		8

Prepared by
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Warsaw, August, 1994

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Sekretarz
PAŃSTWOWEJ KOMISJI WYBORCZEJ

Warsaw, August 19, 1994
Fax 29.39.59

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In reply to the fax of Mrs Juliana Pilon of August 2, 1994, I have the pleasure to submit you an Information on actual electoral law to Sejm and Senat of the Republic of Poland and results of the last Parliamentary Election of September 1993.

Sincerely,

Kazimierz W. Czaplicki

Secretary

of the National Electoral Commission

Head of the National Electoral Office

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